

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 NORTHERN DIVISION

4 UNITED STATES OF AMERICA

5 v.
6 CRIMINAL CASE NO.
7 NANA BARTELS-RIVERSON,
8 Defendant
9 _____ /

10 (Rearraignment)
11 Tuesday, September 4, 2012
12 Baltimore, Maryland

13 Before: Honorable James K. Bredar, Judge

14
15 Appearances:

16 On Behalf of the Government:
17 Mushtaq Gunja, Esquire
18 Paul Budlow, Esquire

19 On Behalf of the Defendant:
20 William L. Welch, Esquire

21
22 Reported by:
23 Mary M. Zajac, RPR, FCRR
24 Room 5515, U.S. Courthouse
25 101 West Lombard Street
 Baltimore, Maryland 21201

1 (Proceedings at 10:42 a.m.)

2 MR. GUNJA: This is the case of United States versus
3 Nana Bartels-Riverson, Criminal Number JKB-12-05. Mushtaq Gunja
4 for the government. Seated next to me at counsel table is
5 Assistant United State's Attorney Paul Budlow, and two agents
6 from the Department of Homeland Security, Greg Hebding and Roger
7 Cochran.

8 THE COURT: Good morning to all of you. Mr. Welch,
9 good morning.

10 MR. WELCH: Good morning, Your Honor. I am William
11 Welch, spelled W-E-L-C-H, on behalf of Mr. Bartels-Riverson, who
12 is to my right.

13 THE COURT: Thank you. And sir, are you Nana
14 Bartels-Riverson?

15 THE DEFENDANT: Yes, sir.

16 EXAMINATION OF THE DEFENDANT

17 BY THE COURT:

18 Q Mr. Welch, if you and your client would approach the podium,
19 I'd be grateful.

20 Mr. Bartels-Riverson, I have before me a document
21 that's titled Waiver of Indictment. And in this document you're
22 advised of your right to be charged with two offenses only by
23 grand jury indictment, if you insist. On the other hand, you
24 also can give your permission to the government to charge you
25 directly by what we call an information. You do that by means of

1 a document called a Waiver of Indictment.

2 Have you talked with your lawyer about your right to
3 only be prosecuted by indictment?

4 A Yes, Your Honor.

5 Q And is it true that you wish to waive that right in this
6 case with respect to these two enumerated charges, and that you
7 give your permission that you be prosecuted by information?

8 A Yes, Your Honor.

9 Q This Waiver of Indictment is approved and made a part of the
10 record. I have before me a superseding information, which
11 appears to be signed by Mr. Budlow on behalf of Mr. Rosenstein,
12 but not dated. So let's hand that down to government counsel.
13 And it is acceptable otherwise for filing today, in light of the
14 Waiver of Indictment that the defendant has just executed.

15 That needs to come back up. Thank you.

16 MR. GUNJA: Sorry about that, Your Honor.

17 Q Thank you. So a two-count superseding information has been
18 filed against the defendant this date. The defendant has not
19 been called upon yet to plead with respect to these two charges.
20 It's my understanding, though, Mr. Bartels-Riverson, that you
21 intend to plead guilty to both of these two counts, is that
22 right?

23 A Yes, Your Honor.

24 Q Is that right, Mr. Welch?

25 MR. WELCH: It is.

1 THE COURT: The clerk will swear the defendant.

2 THE CLERK: Yes, Your Honor. Good morning, sir. You
3 may raise your right hand.

4 NANA BARTELS-RIVERSON, DEFENDANT, SWORN

5 THE DEFENDANT: Yes.

6 THE CLERK: Thank you. You may put your hand down.

7 EXAMINATION OF THE DEFENDANT

8 BY THE COURT:

9 Q And your full name, Mr. Bartels-Riverson?

10 A It's Nana K. Bartels-Riverson.

11 Q The date of your birth?

12 A [REDACTED], 1981.

13 Q How old are you?

14 A 31.

15 Q Have you received a copy of the superseding information that
16 I've just been referring to?

17 A Yes, Your Honor.

18 Q Contains two charges. The first one says the United States
19 Attorney for the District of Maryland charges that on or about
20 December 27, 2011, in the District of Maryland, the defendant,
21 Nana Bartels-Riverson, did knowingly, intentionally, and
22 unlawfully possess with intent to distribute a kilogram or more
23 of a quantity of a mixture or substance containing a detectable
24 amount of heroin, a Schedule I controlled substance, in violation
25 of Title 21 of the United States Code Section 841.

1 Count Two reads: The United States Attorney for the
2 District of Maryland further charges that in or about December
3 2010, in the District of Maryland, and elsewhere, the defendant,
4 Nana Bartels-Riverson, did unlawfully transport in interstate and
5 foreign commerce motor vehicles, that is, shipping container
6 TGHU8684083, through the Port Newark-Elizabeth Marine Terminal in
7 New Jersey, carrying three motor vehicles that were stolen from
8 Maryland and Washington, DC, knowing the same to be stolen, in
9 violation of Title 18 of the United States Code Section 2312.

10 How do you plead to those two charges, Mr.
11 Bartels-Riverson?

12 A Guilty, Your Honor.

13 Q Before I can accept your guilty plea, I must ask you a
14 number of questions and consider the answers that you give me in
15 response to those questions. So please listen carefully and
16 respond as best you are able. If at any time you need to stop
17 and speak to your attorney, just indicate that you need a moment
18 to do that and we will stop and allow you to communicate with Mr.
19 Welch. Okay?

20 A Yes.

21 Q Do you understand that you are now under oath and that if
22 you answer any of my questions falsely, your answers may be later
23 used against you in another prosecution for perjury or for making
24 a false statement?

25 A Yes, Your Honor.

1 Q How far did you go in school?

2 A Just some college classes.

3 Q Okay. Are you having any difficulty understanding me?

4 A Oh, no.

5 Q Have you been treated recently for any mental illness or
6 drug addiction or alcohol addiction?

7 A No, Your Honor.

8 Q Are you currently under the influence of any drug,
9 medication, or alcoholic beverage of any kind?

10 A No, Your Honor.

11 Q And Mr. Welch, is there any question in your mind as to
12 whether or not your client is competent to proceed today?

13 MR. WELCH: No, Your Honor.

14 Q Mr. Bartels-Riverson, have you fully discussed the charges
15 in the indictment and the case in general with your attorney?

16 A Yes, Your Honor.

17 Q Are you fully satisfied with the legal representation that
18 you've received from your attorney?

19 A Yes, Your Honor.

20 Q Do you believe that your attorney's given you good advice?

21 A Yes, Your Honor.

22 Q Do you believe that your attorney has been a zealous and
23 effective legal advocate on your behalf?

24 A Yes, Your Honor.

25 THE COURT: Counsel, I understand that there's a plea

1 agreement in this case. Is that right, Mr. Welch?

2 MR. WELCH: There is, Your Honor.

3 THE COURT: Mr. Budlow, is that right?

4 MR. WELCH: Yes, Your Honor.

5 THE COURT: The plea agreement will be marked as the
6 Government's Exhibit Number One. And let's turn to the last
7 page. Actually, it's Page Eight of that document. Mr. Gunja,
8 you signed on behalf of the government, binding the government to
9 the terms of this agreement, right?

10 MR. GUNJA: I did, Your Honor.

11 EXAMINATION OF THE DEFENDANT

12 BY THE COURT:

13 Q Then just below that appears the following: I've read this
14 agreement, including the sealed supplement, and carefully
15 reviewed every part of it with my attorney. I understand it and
16 I voluntarily agree to it. Specifically, I've reviewed the
17 factual and advisory guidelines stipulation with my attorney and
18 I do not wish to change any part of it. I am completely
19 satisfied with the representation of my attorney. Mr.
20 Bartels-Riverson, is that your statement?

21 A Yes, Your Honor.

22 Q Is it true?

23 A Yes, Your Honor.

24 Q Did you sign it?

25 A Yes, sir.

1 Q And then, Mr. Welch, you signed as well after the standard
2 defense attorney statement for this context, right?

3 MR. WELCH: I did, Your Honor.

4 Q Mr. Bartels-Riverson, did you have an opportunity to read
5 and discuss the plea agreement with your lawyer before you signed
6 it?

7 A Yes, Your Honor.

8 Q Have you reviewed fully each and every term of that plea
9 agreement with your attorney?

10 A Yes.

11 Q Do you feel you understand it?

12 A Yes, sir.

13 Q Under the terms of this plea agreement, as I understand it,
14 you agree to plead guilty to the two counts that are set out in
15 the superseding information. Both sides, including the
16 government, obviously, reserve the right to bring to the Court's
17 attention at the time of sentencing any matters that they feel
18 are relevant to the sentencing in this case. What's implicit is
19 that the government evidently will not otherwise prosecute you in
20 relation to the matters giving rise generally to the two charges
21 in the superseding information.

22 Mr. Gunja, is that a correct statement?

23 MR. GUNJA: That is, Your Honor.

24 Q Okay. Any sealed supplement to this plea agreement is also
25 a part of this agreement. We will discuss any sealed supplement

1 separately under seal. There may or may not be a sealed
2 supplement in this case.

3 Mr. Gunja, have I correctly summarized the plea
4 agreement?

5 MR. GUNJA: You have, Your Honor.

6 THE COURT: Mr. Welch?

7 MR. WELCH: You have, Your Honor.

8 EXAMINATION OF THE DEFENDANT

9 BY THE COURT:

10 Q Mr. Bartels-Riverson, have I correctly summarized the plea
11 agreement?

12 A You have, Your Honor.

13 Q Do you agree that the Government's Exhibit Number One,
14 together with any sealed supplement, sets out the entire
15 agreement that you've made with the government and that there are
16 no other agreements or promises that have been made to you?

17 A That's right.

18 Q Has anybody made any promises or assurances that are not in
19 the plea agreement --

20 A No.

21 Q -- or the sealed supplement to persuade you to accept the
22 agreement?

23 A No, Your Honor.

24 Q Has anybody made any threats or used any force or violence
25 against you or someone close to you in order to persuade you to

1 accept the agreement?

2 A No, Your Honor.

3 Q Do you understand that the Court's not a party to the
4 agreement?

5 A That's right.

6 Q Do you understand that the terms of the plea agreement,
7 under the terms of the plea agreement, there may be
8 recommendations made by the lawyers to the Court about what the
9 sentence should be, and do you understand that I can reject those
10 recommendations without permitting you to withdraw your guilty
11 plea?

12 A That's correct. Yes, sir.

13 Q Do you understand that I could impose a sentence that is
14 more severe than you may be expecting?

15 A That's right.

16 Q Are you pleading guilty of your own free will, because you
17 are guilty?

18 A That's right.

19 Q The offense to which you are proposing to plead guilty, both
20 of them, are felony offenses. If I accept your guilty pleas, you
21 will be adjudged guilty of those offenses and those adjudications
22 may deprive you of valuable civil rights, such as the right to
23 vote, the right to hold public office, the right to serve on a
24 jury, the right to obtain or keep certain benefits, like student
25 loans or public housing, the right to obtain certain permits and

1 licenses, and the right to possess any kind of a firearm. Do you
2 understand that you may lose all of those rights if you plead
3 guilty in this case?

4 A Yes, sir.

5 Q Immigration status of the defendant, Mr. Gunja?

6 MR. GUNJA: We believe he's in this country illegally,
7 Your Honor.

8 Q Do you understand, sir, that your pleas of guilty may impact
9 upon your immigration status and your legal right to remain in
10 the United States?

11 A Yes, sir.

12 Q Do you understand that as a result of pleading guilty in
13 this case, you may be subjected to deportation and exclusion from
14 the United States?

15 A Yes, sir.

16 Q Have you discussed with your lawyer the potential
17 immigration consequences of a guilty plea?

18 A Yes, sir.

19 Q Do you understand that immigration consequences would be
20 determined by a different tribunal, that I do not decide your
21 immigration status or consequences?

22 A Yes, sir.

23 Q Mr. Welch, can you confirm that you've counseled your client
24 in relation to his rights and his exposures with respect to
25 immigration consequences falling from this case?

1 MR. WELCH: I have done so, Your Honor.

2 Q Maximum penalties for these offenses are as follows: With
3 respect to Count One, the maximum possible penalty is
4 imprisonment for the remainder of your natural life without the
5 possibility of parole. And there is a minimum mandatory penalty
6 of ten years in prison that the Court would be required to
7 impose. Do you understand that with respect to the first count?

8 A Yes, Your Honor.

9 Q And with respect to the second count, the maximum, Mr.
10 Gunja?

11 MR. GUNJA: It's five years imprisonment, Your Honor.

12 Q Is five years in prison. There's no mandatory minimum term.
13 Do you understand that maximum possible penalty?

14 A Yes, sir.

15 Q Do you understand that if you're ordered incarcerated, then,
16 as part of your sentence, you will be ordered to serve a term of
17 supervised release with a maximum term of five years after you
18 are released from incarceration?

19 A Yes.

20 Q Do you understand that while on supervised release, you will
21 be subject to supervision, and that you will be required to
22 comply with certain conditions?

23 A That's right.

24 Q Do you understand that if you violate the terms and
25 conditions of supervised release, that you could be returned to

1 prison for a term that may be as great as the term of supervised
2 release?

3 A That's correct.

4 Q And that upon return to prison, you may not be given credit
5 for your street time?

6 A That's correct.

7 Q Do you understand that you may be required to pay a fine,
8 with respect to Count One, with a maximum amount of four million
9 dollars, and with respect to Count Two, with a maximum amount of
10 \$250,000 as additional consequences if your guilty pleas are
11 accepted?

12 A Yes, sir.

13 Q Do you understand that the Court may also order you to pay
14 restitution to any victim of your offense?

15 A That's right.

16 Q Do you understand that the Court may require you to forfeit
17 certain property to the government if your guilty plea is
18 accepted?

19 A That's correct.

20 Q Forfeiture issues, Mr. Gunja?

21 MR. GUNJA: None, Your Honor.

22 Q Okay. Do you understand that you must pay a special
23 assessment of \$100 per count, for a total of \$200, if your guilty
24 pleas are accepted?

25 A That's correct.

1 Q Do you understand that the Court may order you to provide
2 notice of your conviction to certain third parties, including
3 victims, if your guilty plea is accepted?

4 A That's correct.

5 Q Do you understand all these possible consequences of your
6 guilty pleas?

7 A Yes, Your Honor.

8 Q Your sentence will be determined by the Court after
9 consulting the United States sentencing guidelines, which are
10 advisory, after considering possible departures from those
11 guidelines, as permitted in federal sentencing law, and after
12 considering other sentencing factors that are set out in Title 18
13 of the United States Code Section 3553(a). Have you and your
14 attorney talked about how the sentencing guidelines might apply
15 in your case?

16 A Yes.

17 Q Let's review that now. With respect to the charge of
18 possession with intent to distribute heroin, because of the
19 quantity that's involved of between one and three kilograms, the
20 base offense level is 32. Are you with me on that?

21 A That's right.

22 Q Then with respect to the interstate transportation of stolen
23 motor vehicles charge, the base offense level is six. However,
24 because the loss exceeded a million dollars, that base offense
25 level is increased by 16 levels, to 22. Then, because the

1 offense involved theft from the person of another, there's
2 another increase of two levels. That takes us to 24.

3 Because the offense involved receiving stolen property
4 and you were in the business of receiving and selling stolen
5 property, there's another two-level increase, taking us to 26.

6 Because the offense involved an organized scheme to
7 steal or to receive stolen vehicles, there's another two-level
8 increase, taking us to 28.

9 The two offenses, Counts One and Two, are not related,
10 so they do not group under the grouping rules set out at Section
11 3D1.1 and 3D1.2 of the guideline. Because Count Two is equally
12 serious or from one to four levels less serious than Count One,
13 in the overall computation there's an increase of two levels.

14 All of this leads us to an offense, an adjusted offense
15 level of 34. Then both sides agree that there should be a
16 three-level reduction to reflect acceptance of responsibility.
17 And the consequence is that you end up at a final offense level
18 of 31.

19 Have you been through this process with Mr. Welch, of
20 computing your sentencing guidelines?

21 A Yes, sir.

22 Q So do you understand this kind of foreign language that I'm
23 speaking to you right now?

24 A Yes.

25 Q With all of these code sections and increases and decreases?

1 A Pretty much, yeah.

2 Q Okay. Mr. Welch, you can confirm that you've been through
3 the guideline calculations exhaustively with your client?

4 MR. WELCH: Yes, Your Honor, we've reviewed it all.

5 Q All right. Do you understand, Mr. Bartels-Riverson, that
6 the Court will not be able to finally determine the guideline
7 range for your case until after the Presentence Report has been
8 completed and after you and the government have had an
9 opportunity to challenge the computation, the reported facts, and
10 the proposed application of the guidelines by the Probation
11 Department?

12 A Yes, sir.

13 Q Do you understand that any criminal history you may have
14 will affect the computation of the sentencing guidelines in your
15 case?

16 A Yes, sir.

17 Q Mr. Gunja, do you believe the defendant has a criminal
18 history?

19 MR. GUNJA: I do not believe he has a criminal history,
20 Your Honor.

21 Q Do you understand, Mr. Bartels-Riverson, that in addition to
22 considering the sentencing guidelines and any departures from the
23 guidelines, that under 18 United States Code Section 3553(a), the
24 Court will apply additional factors set out there, and then may
25 impose a sentence that is either greater or lesser than that

1 specified by the sentencing guidelines and any departures
2 thereunder?

3 A Yes, sir.

4 Q Do you understand that the sentence ultimately imposed may
5 be different from any estimate that your attorney may have
6 provided to you?

7 A That's correct.

8 Q Do you understand that parole has been abolished, and if you
9 are sentenced to a term of incarceration, you will not be
10 released on parole?

11 A That's correct.

12 Q Do you understand that, under some circumstances, you may
13 have the right to appeal your conviction in this case?

14 A That's correct.

15 Q Do you understand that you and/or the government may be
16 entitled to appeal the sentence that I impose?

17 A That's correct.

18 Q But my understanding is, from reading your plea agreement,
19 that you've actually decided, as part of this agreement, that you
20 will waive, or give up, your right to appeal your conviction in
21 the case.

22 MR. WELCH: If you accept the guilty plea there will be
23 no further issue as to whether or not you're guilty. That will
24 become permanent. However, there may be other things that you
25 might still appeal.

1 THE DEFENDANT: Okay.

2 MR. WELCH: Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 EXAMINATION OF THE DEFENDANT

5 BY THE COURT:

6 Q All right. Do you understand that you are giving up your
7 right to appeal your conviction?

8 A That's correct.

9 Q I also understand that both sides are waiving, or giving up,
10 their right to appeal whatever sentence is imposed. Is that
11 right, Mr. Welch?

12 MR. WELCH: Court's indulgence, please.

13 (Pause in Proceedings.)

14 THE COURT: Directing your attention to Page 6,
15 Paragraph 11.

16 MR. WELCH: It does say that, Your Honor.

17 THE COURT: Subparagraph B.

18 MR. WELCH: That is our understanding.

19 EXAMINATION OF THE DEFENDANT

20 BY THE COURT:

21 Q Mr. Bartels-Riverson, do you understand that you're not
22 required to plead guilty in this case?

23 A Yes, sir.

24 Q Do you understand that you have the right to plead not
25 guilty to any offense charged against you and to persist in that

1 not guilty plea?

2 A Yes, sir.

3 Q Do you understand that if you pled not guilty, you would
4 then have the right to a trial by jury?

5 A That's correct.

6 Q Do you understand that your lawyer and the government's
7 lawyer would assist me in selecting 12 members of the community
8 who would be brought into this courtroom, who would sit in this
9 jury box right over here to your left, and serve as your jury?

10 A That's correct.

11 Q Do you understand that at trial, you would be presumed to be
12 innocent and that the government would be required to prove your
13 guilt beyond a reasonable doubt to the unanimous satisfaction of
14 the jury, and if the government couldn't do, that you could not
15 be convicted in this case?

16 A That's right.

17 Q Do you understand that at trial and every other critical
18 stage of the proceedings in your case, you are entitled to the
19 assistance of a competent attorney to assist you, to advise you,
20 to represent you, and to advocate for you?

21 A That's correct.

22 Q Do you understand that if you could not afford an attorney,
23 one would be appointed to represent you at no cost to you?

24 A That's correct.

25 Q In fact, that happened in this case. Mr. Welch was

1 appointed to represent you and you've not been required to pay
2 him or anyone for his services, right?

3 A That's right.

4 Q Do you understand that, during your trial, you would have
5 the right to see and hear all the witnesses, and that you and
6 your attorney would be permitted to question or cross examine all
7 the witnesses testifying against you?

8 A That's correct.

9 Q Do you understand that you would have the right to present
10 the testimony of your own witnesses, and if those witnesses would
11 not come to court voluntarily, you would be permitted to subpoena
12 them and force them to come to court?

13 A That's right.

14 Q Do you understand that you would have the right to testify
15 yourself during your trial?

16 A That's correct.

17 Q Do you understand that you would also have the right to
18 decline to testify?

19 A Yes, sir.

20 Q And that if you did so decline, the fact that you did not
21 testify during your trial could not be held against you in any
22 way?

23 A That's right.

24 Q In fact, do you understand that if you elected to present no
25 defense at all at trial, that could not be held against you?

1 A That's correct.

2 Q Do you understand that if you were convicted after a trial,
3 you could appeal that conviction to a higher court?

4 A Yes, sir.

5 Q Do you understand that after you enter a plea of guilty, if
6 that plea is accepted by the Court, there will be no trial and
7 you will have waived or given up your right to trial, as well as
8 the other rights associated with a trial, as I've just described
9 them to you?

10 A That's right.

11 Q You've indicated that you intend to plead guilty to both of
12 the counts in the superseding information. I want to discuss
13 with you the essential elements of those offenses.

14 With respect to the first offense, the government would
15 have to prove the following. First, they'd have to prove that
16 this misconduct occurred on or about December 27, 2011. Second,
17 they'd have to prove that it happened, at least in part, within
18 the District of Maryland.

19 Third, they'd have to prove that you did knowingly and
20 willfully possess with intent to distribute more than one
21 kilogram of heroin.

22 It's not listed here and it's arguable whether it's
23 not, whether it's an essential element, but they'd have to prove
24 that the substance was a controlled substance under the federal
25 statutes controlling illegal drugs.

With respect to the second charge, they'd have to prove that the misconduct, once again, occurred in or about December of 2010. Secondly, that it occurred, at least in part, within the District of Maryland. Third, they'd have to prove that you transported or caused to be transported in interstate commerce a stolen motor vehicle. And fourth, they'd have to prove that at the time of the transportation, you knew that the motor vehicle had been stolen.

Do you understand that these are the essential elements of the offenses and that if the government could not prove each and every one of these elements beyond a reasonable doubt to the unanimous satisfaction of the jury, you could not be convicted on that particular count?

A Yes, sir.

Q Before I can accept your guilty plea, I must be satisfied that there's a factual basis for it. Please listen carefully as the Assistant U.S. Attorney details what he believes that he could prove if there was a trial in this case. Mr. Gunja.

MR. GUNJA: Thank you very much, Your Honor. I'll handle Count One and, if Your Honor doesn't mind, Mr. Budlow will handle Count Two.

THE COURT: No problem.

MR. GUNJA: These are the merging of sort of two investigations.

Your Honor, on December 27, 2011, members of the

1 Maryland State Police were conducting routine traffic enforcement
2 when they saw a black SUV, BMW SUV, following too closely to the
3 car in front of it. So Sergeant Michael Conner pulled the car
4 over for a routine traffic stop. Once the car was pulled over,
5 Mr. Conner identified the driver of the vehicle as the defendant,
6 Mr. Bartels-Riverson.

7 The defendant provided temporary registration documents
8 to Mr. Conner, which revealed that the car was only to be used to
9 transport the vehicle from Maryland to New Jersey. But when the
10 defendant was asked where he was traveling, the defendant
11 responded that he was traveling to see a friend in Baltimore.
12 That was a technical violation of the registration.

13 In addition, Trooper Conner noticed that the defendant
14 was displaying other suspicious characteristics. He was unable
15 to say where the friend that he was visiting lived, what his
16 friend's name was, or who the passenger in the vehicle, what his
17 name was.

18 Based on those suspicious indicators, Sergeant Conner
19 asked for a drug dog to be run around the vehicle. The dog came
20 within a few minutes. And the dog alerted to the presence of
21 narcotics in the vehicle. The vehicle was searched. Law
22 enforcement found a bag in the glove box of the car, which
23 contained approximately 1100 grams of heroin. The driver and the
24 passenger were arrested.

25 After arrest, Mr. Bartels-Riverson was questioned.

1 After waiving his Miranda rights, the defendant admitted that he
2 possessed the heroin with the intent to distribute it. In
3 particular, he reported that he and the passenger in the car were
4 heading to Baltimore to sell the drugs for between 60 and \$75 a
5 gram. I guess the final price had not yet been negotiated, was
6 to be negotiated in Baltimore. Mr. Riverson also gave
7 investigators consent to search his place of business, where he
8 told the agents that there would be additional heroin. Indeed,
9 the agents seized an additional 330 grams of heroin from his
10 place of business.

11 Those are the facts on Count One, Your Honor.

12 THE COURT: Mr. Budlow.

13 MR. BUDLOW: Your Honor, yes, as to Count Two, I'll
14 provide a summary. I'll note that there's a slightly more
15 detailed summary which is noted as Attachment A to the statement
16 of facts of the plea agreement.

17 Beginning sometime in 2010 through in or about December
18 2011, the defendant, Mr. Riverson, Mr. Bartels-Riverson, was a
19 participant in a conspiracy to ship stolen vehicles from the
20 United States to countries in West Africa for resale. Members of
21 the conspiracy in the United States hired others to steal late
22 model vehicles, usually with the keys, so that the vehicles could
23 be more easily sold.

24 The vehicles were stolen in a variety of ways, some of
25 which are listed on what is listed as Page Two of the statement

1 of facts. Additionally, listed on Page Two are the various ways
2 that the vehicles were stored and loaded into shipping containers
3 once they were obtained.

4 The containers were then transported, after being
5 stored -- after the vehicles were stored and loaded in the
6 containers, the containers were transported to various ports,
7 including the port in Newark or the New Jersey port, the Port of
8 Baltimore in Maryland, and the Port of Norfolk in Virginia. The
9 containers were then shipped or intended to be shipped to various
10 destinations in West Africa, including Nigeria, Togo, the Ivory
11 Coast, and Ghana.

12 The defendant was the operator of a business known as
13 Exodus Logistics, also Transxport, and African Ocean Logistics,
14 exporting businesses located in College Park, that were involved
15 in the shipping of these containers overseas. The defendant used
16 these businesses to ship the containers of stolen vehicles to the
17 various countries in West Africa.

18 The defendant's role in the scheme varied. At times he
19 would use his businesses to ship stolen vehicles for others. The
20 defendant charged additional fees when shipping containers of
21 stolen vehicles, to compensate for the additional risks.

22 The individuals that the defendant shipped cars for
23 included Solomon Asare and Gabriel Awuzie, who each pled guilty
24 to conspiracy to commit interstate transportation of stolen
25 vehicles, under a different case number, JKB-11-0356.

1 Your Honor, prior to the next paragraph, may I have a
2 moment with Mr. Welch?

3 THE COURT: Yes.

4 (Pause in Proceedings.)

5 THE COURT: While you're chatting, I'm going to have
6 the clerk hand down the original copy of this plea agreement,
7 counsel, because there's a marginal notation on Page Three that I
8 don't really understand. And if there's an intention to amend
9 the statement of facts, we need a more clear, concrete statement.
10 I'm not sure what that scribble means.

11 MR. BUDLOW: Thanks, Your Honor. Actually, we were
12 discussing, I'm going to read that paragraph in a moment.
13 Defense counsel --

14 MR. WELCH: A little portion of that was cut off on our
15 copies.

16 MR. BUDLOW: Mr. Welch, let me know when you're ready.
17 I'll get up to that point.

18 (Pause while Mr. Welch confers with the defendant.)

19 MR. BUDLOW: Your Honor, I think we'll deal with that
20 as we move forward.

21 In addition to shipping vehicles for other individuals,
22 the defendant, also, at times orchestrated the shipments of
23 stolen vehicles from the inception to the end. In those
24 circumstances, the defendant would take orders for vehicles from
25 buyers in Africa, purchase the stolen vehicles from

1 intermediaries, arrange to cool the vehicles, load the vehicles
2 in the containers, and then ship the containers to the buyers in
3 Africa.

4 The defendant paid the various participants along the
5 way, including the intermediaries, drivers of the stolen
6 vehicles, tow truck drivers, tractor trailer drivers, and
7 shipping containers.

8 THE COURT: Shipping companies.

9 MR. BUDLOW: And shipping companies. Thank you, Your
10 Honor.

11 There's, the next sentence, I think -- well, most
12 payments were in cash. I think the easiest way to handle the
13 handwritten notes by defense counsel is to simply delete the next
14 sentence.

15 THE COURT: Okay. So counsel are amending their
16 statement of facts by deleting the sentence that begins "on at
17 least one occasion", and ends with "bank account?"

18 MR. BUDLOW: Yes, Your Honor. And if defense counsel
19 agrees, I would suggest that we also delete the handwritten
20 portions.

21 MR. WELCH: That's fine.

22 THE COURT: Is that all agreed, Mr. Welch?

23 MR. WELCH: It is agreed, Your Honor.

24 THE COURT: So these marginal notations right there in
25 blue ink, I'm lining out. None of that has any significance. Is

1 that right, Mr. Welch?

2 MR. WELCH: Correct, Your Honor.

3 THE COURT: All right. I'm scribbling them out and
4 initialing the deletion from the text. The second to the last
5 sentence in the first full paragraph on Page Three has been
6 deleted. And the marginal notes have all been scribbled out,
7 deleted, and are not operable.

8 Go ahead, Mr. Budlow.

9 MR. BUDLOW: Thank you, Your Honor. The defendant also
10 kept some of the stolen vehicles for his personal use in the
11 Maryland, in the Maryland area, it should say, and in other
12 places in the United States.

13 The defendant also used a warehouse on Lokus Road in
14 Odenton, Maryland, to store and load many of the stolen vehicles
15 into shipping containers prior to them being transported to the
16 various ports for export.

17 At all times during his involvement in the scheme, the
18 defendant knew or believed that the vehicles being shipped were
19 stolen, and he knew that the vehicles were being shipped across
20 state and national borders.

21 Since 2010, the loss associated with vehicles for which
22 the defendant participated in the shipment was more than one
23 million dollars and includes, but is not limited to, the shipping
24 of the eight containers and the vehicles therein that are listed
25 on Pages Three and Four of the statement of facts.

1 Just by way of summary, the defendant arranged for the
2 shipment of various containers, one in October of 2010 through
3 the Port of Norfolk, another one in October of 2010 through the
4 Port of Norfolk, two in November of 2010 through the Port of
5 Norfolk, one in December of 2010 through the Port of Norfolk.
6 I'm not sure of the order here. But then another one, each --
7 I'm sorry -- another one from November 2010 through the port of
8 Norfolk. One in, a container in December 2010 in New Jersey.

9 All of those eventually were searched and found to
10 contain stolen vehicles. Additionally, in December of 2010 --

11 THE COURT: Wait a minute. I'm got October 2010,
12 Norfolk; October 2010, Norfolk; November 2010, Norfolk; November
13 2010, Norfolk. Then December 2010, Norfolk; November 2010,
14 Norfolk; December of 2010, Newark, New Jersey. Then December
15 2010, Newark, New Jersey again.

16 MR. BUDLOW: That's correct, Your Honor.

17 THE COURT: Okay. That tracks, and that tracks the
18 statement of facts.

19 MR. BUDLOW: Yes. And as to all those, the vehicles,
20 the containers were searched by port authorities and found to
21 contain stolen vehicles. Specifically, the final paragraph
22 listed, on December, in December of 2010, the defendant arranged
23 for the shipment of container TGHU8684083 to Tema, Ghana through
24 the Port Newark-Elizabeth Marine Terminal in New Jersey. On
25 January 1st, 2011, that container was inspected by port

1 authorities and found to contain three stolen vehicles valued at
2 approximately \$56,805.

3 One of the vehicles had been carjacked at gunpoint in
4 Washington, D.C., and the two others were stolen from a car
5 dealership in Anne Arundel County.

6 Your Honor, that's a summary of the statement of facts
7 in support of the defendant's guilty plea relating to Count Two
8 of the superseding information.

9 THE COURT: So turning to Page Five, Mr.
10 Bartels-Riverson, there appears the statement: I've read this
11 statement of facts and carefully reviewed it with my attorney. I
12 acknowledge that it is true and correct. Is that your statement?

13 MR. WELCH: May we sit down for just a moment, please,
14 Your Honor?

15 THE COURT: Yes.

16 (Pause while Mr. Welch and defendant confer.)

17 MR. WELCH: Okay. Back up.

18 THE COURT: Mr. Welch?

19 MR. WELCH: Thank you, Your Honor. We've resolved the
20 issue that I believe Mr. Budlow had addressed at the outset; that
21 Mr. Bartels-Riverson was involved in all of these specific
22 events. He had thought that they were saying that he, in fact,
23 possessed all of these vehicles and did them all individually.
24 But we have resolved that that is not what the government is
25 saying. They're saying he's involved in the conspiracy to move

1 all of these vehicles. Some of them he did possess and move
2 himself. Some of them he was doing on behalf of other people.

3 THE COURT: Well, the question is that, does he admit
4 that in or about December of 2010, here in Maryland and
5 elsewhere, he, not others, but he, unlawfully transported in
6 interstate and foreign commerce motor vehicles, that is,
7 specifically, shipping container TGHU8684083 through the Port
8 Newark-Elizabeth Marine Terminal in New Jersey, carrying three
9 motor vehicles that were stolen from Maryland and Washington,
10 D.C., knowing that these cars were stolen?

11 THE DEFENDANT: That's correct, Your Honor. I was just
12 doing it on behalf of people. But that's pretty much --

13 THE COURT: Well, regardless of whether you were doing
14 it with or on behalf of others, do you admit that you did what
15 I've just described, which is taken directly from the charging
16 language of Count Two? Did you do those acts and did you do them
17 with knowledge that the cars were stolen?

18 THE DEFENDANT: That's correct.

19 THE COURT: It's correct?

20 THE DEFENDANT: That's correct.

21 EXAMINATION OF THE DEFENDANT

22 BY THE COURT:

23 Q Okay. Then, more broadly, turning to Page Five of the
24 statement of facts, it says: I've read this statement of facts
25 and carefully reviewed it with my attorney. I acknowledge that

1 it is true and correct. Is the statement of facts that's before
2 me true and correct?

3 A Yes, Your Honor.

4 Q And is that your statement that I've just read?

5 A Yes, Your Honor.

6 Q And is that statement true?

7 A Yes, Your Honor.

8 Q And then did you sign it where I see the signature for Nana
9 Bartels-Riverson?

10 A That's correct, Your Honor.

11 Q And then, Mr. Welch, you made the statement, I am Nana
12 Bartels-Riverson's attorney. I've carefully reviewed the
13 statement of facts with him. And then you signed as well, is
14 that true?

15 MR. WELCH: I did, Your Honor.

16 Q If there was a trial in this case, Mr. Bartels-Riverson,
17 could the government prove what they have set out in this
18 statement of facts?

19 A I believe so, Your Honor.

20 Q In conducting proceedings under Rule 11 of the Federal Rules
21 of Criminal Procedure in every case, this Court proceeds to an
22 in-camera segment, the transcript of which is sealed, in order to
23 determine whether or not there's a supplement to the plea
24 agreement. This portion of the proceedings is sealed and the
25 records shall remain sealed until I order otherwise.

Conference at the bench.

(It is the policy of this court that every guilty plea and sentencing proceeding include a bench conference concerning whether the defendant is or is not cooperating.)

EXAMINATION OF THE DEFENDANT

BY THE COURT:

Q Mr. Bartels-Riverson, do you understand that if I accept your guilty pleas, I will refer your case to the U.S. Probation Office for this district and direct them to prepare a Presentence Report? And only after I've reviewed the contents of that report, and only after the government and you and your attorney have had the opportunity to respond to the report, will I then impose sentence in your case.

A Yes, sir.

Q So we finish where we started. At the beginning of this proceeding I asked you how you pled to these two charges. You told me guilty. I told you I could not accept those guilty pleas yet because I needed to have a conversation with you, during which I would ask you a series of questions.

A That's right.

Q And you would be required to answer those questions. And the purpose of that exercise was to determine whether or not you understood what you were doing this morning.

A That's correct.

o Whether you understood the consequences of a guilty plea.

1 A Yes, sir.

2 Q Whether you understood that you did not have to pled guilty,
3 that you could go to trial on the charges.

4 A That's correct.

5 Q Whether you understood the range of rights that you would
6 have during a trial.

7 A That's correct.

8 Q We also discussed your relationship with your attorney and
9 explored whether you had faith in him and were following his
10 advice, whether he had answered your questions. And you told me
11 that you were completely confident of your relationship with your
12 attorney.

13 A Yes. Thank you.

14 Q So we are now at the end. And now I'm going to ask you
15 again how you plead, but this time it's for keeps.

16 A That's right. Guilty, Your Honor.

17 Q So how do you plead to Counts One and Two of the superseding
18 information in this case, guilty or not guilty?

19 A Guilty.

20 THE COURT: It's the finding of the Court in this case
21 of the United States versus Nana Bartels-Riverson, Case Number --
22 noticing that we've got a typographical error on the sealed
23 supplement, replacing the L in the Case Number with JKB. Do we
24 have it anywhere else?

25 MR. GUNJA: Your Honor, I think it's on the front page

1 as well.

2 THE COURT: Of the plea agreement?

3 MR. GUNJA: I think we signed this before the case
4 actually got transferred to you.

5 THE COURT: All right. Amending Exhibits One and Two,
6 substituting JKB for L.

7 So it is the finding of the Court in the case of the
8 United States versus Nana Bartels-Riverson, JKB-12-05, that the
9 defendant is fully competent and capable of entering informed
10 pleas, that the defendant is aware of the nature of the charges
11 and the consequences of the guilty pleas, and that the guilty
12 pleas are knowing and voluntary pleas, supported by an
13 independent basis in fact as to each count containing each of the
14 essential elements of the offense with respect to each count.
15 The guilty pleas are therefore accepted and the defendant is now
16 adjudged guilty of each of these two offenses.

17 A written Presentence Report will be prepared by the
18 Probation Office. The defendant is instructed to provide the
19 Probation Office with the information that it requests as it
20 prepares that report. The defendant's attorney may be present
21 when the probation officer interviews the defendant.

22 The defendant and his attorney will be permitted to
23 read the Presentence Report and file any objections to that
24 reports before the sentencing hearing.

25 During the sentencing hearing, the defendant and his

1 attorney shall have the right to speak, to allocute, before
2 sentence is imposed.

3 Mr. Gunja and Mr. Budlow, are there any victims of
4 either offense present, and if so, do they wish to spoke?

5 MR. BUDLOW: None, Your Honor.

6 THE COURT: Similarly, if any victims are present at
7 the time of sentencing, they will be afforded an opportunity to
8 address the Court.

9 The defendant was previously ordered detained, I take
10 it, Mr. Gunja?

11 MR. GUNJA: Yes, that's right.

12 THE COURT: And I take it that there is no request for
13 release pending sentencing in light of the defendant's
14 immigration status, if nothing else. Is that right, Mr. Welch?

15 MR. WELCH: That's right, Your Honor.

16 THE COURT: I am prepared to enter a regular sentencing
17 order in this case, with sentencing scheduled for December the
18 3rd, 2012, at 1 p.m.

19 Is that date and time for sentencing convenient, Mr.
20 Welch?

21 MR. WELCH: It is, Your Honor.

22 THE COURT: Mr. Gunja?

23 MR. GUNJA: Yes.

24 THE COURT: That order has been entered. It sets that
25 sentencing date and time, as well as other dates and deadlines

1 that are relevant to the sentencing process. The government will
2 prepare a come-up. Right, Mr. Gunja?

3 MR. GUNJA: We will, Your Honor.

4 THE COURT: Any other matters that we can productively
5 address today?

6 MR. GUNJA: I don't think so, Your Honor. Thank you
7 very much.

8 THE COURT: Anything else from defense counsel?

9 MR. WELCH: Not at this time, Your Honor.

10 THE COURT: The defendant's remanded to the custody of
11 the marshal pending sentencing. Counsel are excused. Court's in
12 recess.

13 (Conclusion of Proceedings at 11:35 a.m.)

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REPORTER'S CERTIFICATE

I, Mary M. Zajac, do hereby certify that I recorded stenographically the proceedings in the matter of USA v. Nana Bartels-Riverson, Case Number(s) JKB-12-005, on September 5, 2012.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within matter in a complete and accurate manner.

In Witness Whereof, I have hereunto affixed my
signature this _____ day of _____, 2013.

Mary M. Zajac,
Official Court Reporter

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